IS THIS MAN INNOCENT?

Is James Rice, Convicted of Manslaughter, a Victim of Mistaken Identity?

A CASE FOR JUDICIAL DISCRETION.

Statements by the Prosecution and the Defence.

The extraordinary speech of Mr. A. Oakey Hall vesterday during the Rice murder trial created a market sensation. It is not often that a noted lawyer like Mr. Hall is so deeply impressed with the innocence of his convicted client that a verdict of guilty will induce him to avow a determination never to take a homicide case again. The facts in this case have only appeared in riblets and not in such a manner as to give the public clear insight into the merits. On the 11th of October ist there was quite a bloody offray at the West Washington Market, between two rival clans of market men-McCarrons had threatened to drive the McCabes out of the market. McCabe, Sr., on the morning of the 11th of October, got McCabe, Jr., to avenge the insult, and they went to the market. The general fracas which there ensued and which the McCabes provoked had a tragic end for the younger McCabe, a lad of only twenty, named Hugh, who had been only two years in the country. A man stepped up behind him while he and one of the McCarrons were chinched and struck him a fatal blow with a hatchet on the back of his head. Hugh fell, mortally wounded, and died in December of abcess of

Who was the man? That is the question. The prosecution, which was conducted by Assistant District Attorney Russell, claims that James Rice, a porter in the employ of the McCarrons, came to the rescue of the latter by stepping up behind Hugh McCabe and dealing bim the fatal blow with the hatchet. Rico's counsel, Mr. Hall, says that it was a case of mistaken identity and that it was some one else. "It became a general meles in which perhaps sixty persons participated," said Mr. Hall yesterday, "and we claim that it was impossible to distinguish the person who struck the blow." Mr. Hall then gave the following as

Rice is a young Irish lad only twenty years old, a minor, who is the sole support of a father, mother and sister. He is vouched for by all neighbors as a youth not only free from all blame, but unusually polite and mild and of a complaisant temperament. police and mild and of a complainant temperament. On the stand he impressed everybody by his quiet and sven timid air. For the hast year he had been in the impley of the McCarrons, who are large produce dealers at the market. It was proven on the trial that hostile relations existed between the McCarrons, his employers, and the McCabes. McCabe, in company with three or four others, came over to McCarron's produce booth and provided a hand to hand fight, and that Hugh fcCabe, the deceased, cam; there armed with a deadly weapon was proven by the police and others who found a hatchet in his beit. The fight between the McCabe clan and the McCarron clan, as sworn to by limiterested parties, became instantaneously general and, in fact, a perfect riot, during which bystanders saw scrapers, hatchets and clubs used as well as list without being able to distinguish the participants. I'wo witnesses for the prosecution swore that they had seen Rice leave his booth, step up behind Hugh McCabe and strike him with a hatchet. A third could only swear that the homicide wore a blue shirt but not that it was Rice. The prosecution proved that Rice wore a blue suirt.

Here Mr. Hail broke in with a touch of humor upon this serious recital of stern facts. "They proved that Rice wore a blue shirt," said he, "and then I proved that others in the market also wore blue shirts. This, you see, is a case where the blue light does not cure, but kills."

"Now, we say," Mr. Hall continued, "that some one also we had a motive struck McCabe, who, you will In the stand he impressed everybody by his quiet and

you see, is a case where the blue light does not cure, but kills."

"Now, we say," Mr. Hall continued, "that some one slse who had a motive struck McCabe, who, you will remember, came there to provoke the Iracas. We say that this is a case of mistaken identify, and that weak as the testimony for the prosecution is, the prisoner, and not the people, should have the benefit of the doubt. Judge Brady's charge was a very lair one, and considering that the jury, on the ground of his youth and good character, earnestly recommended him to the merciful consideration of the Court, I do not doubt that Judge Brady will impose a light sentence."

THE CASE AS SEEN BY THE PROSECUTION.
Assistant District Attorney Russell said that the testimony of the marketmen who stood by was very clear on this point of mistaken identity raised by Mr. Hail, and Jurnished the following abstract of their sydence:—

ABRAHAM DORSETT'S TESTIMONY.

It was the condition of things when you got there
I got there there was a mob of sixty or sevent;

copie there.
Q. Gathered around? A. Yes, sir.
Q. What were they doing? A. They were standing there

Q. Who was fighting with Frank McCarron? A. Hugh McCabe.
Q. What did you see them doing? A. I saw them clinch and fighting with one another.
A. Give as graphically as you can a description of all you saw in that fight. A. As I said before, I was in my place of business; I saw an unusual gathering down in front of McCarron's stand; I went down there, and the first I saw was Mugh McCabe and Frank McCarron clinched, fighting; and about a minute and a naif later I looked over in the front of Mr. McCarron's stand and I saw Mr. Rice stand there with a hatchet in his hand.
Q. What rice—this prisoner here? A. Yes, sir; and I saw line come out, give an unusually quick step the only took two steps to where they were highting), raise the hatchet and hit McCabe on the head with the hatchet.
Q. Where on the head did be strike him? A. On the left gide, a little above the ear and a little about of it, as near as I can tell.
Q. Did he hit him a severe blow? A. A very severe blow.

hatchet side.

2. Then what followed after the striking? A. I wheeled to go back to my piace of business, and after going a few steps for some reason I wheeled buck: I saw the man fail.

2. The went back to McCornal became of kice, shee? A. He went back to

Q. What became of Each, and the control of the cont nd another man clinched.

Q. Who was the other man? A. I don't know who was he other; I did not see his face; I was there about two or hree minutes, I guess, when I seen James Rice come out

the other; I did not see his face; I was there about two or sire minutes, I guess, when I seen James Rice come out sith a hatchet.

Q. From where? A. From William McCarron's stand, where he was working, and he struck the man that was slinched with Frank McCarron.

Q. Where did he strike him? A. I was not near enough to see, but it seemed to me to be in the back of the head.

Q. With what did he strike him? A. With a hatchet.

Q. With what did he strike him? A. With a hatchet.

Q. With the blade or with the hammer? A. I don't know, sir, I could not see; I saw the man fan and that was all I saw; It sick-med me and shen I went away.

George Furman, also in the market, testified he saw a nan leave the McCarrons' stand who corresponded in size with prisoner, who had on a blue shire with a hole in the back, and that he saw this man strike McCabe with a batchet when he was elinched with Frank McCarron.

Gaptain Sanders arrested Rice with a garment on answering this description.

g this description.

A bookkeeper, long in the employ of the McCarrons, tes-filed that he saw Rice go out with his hatchet and strike a pan named McCarron, but did not see him strike the de-

man named McCarron, but did not see him strike the de-reased.

Mr. Russell added by saying:—"The name of Rice is the only one suggested in the market as the perpe-trator of the deed. If some one cise did it surely there would be some one of the many specta-lors to give evidence to that effect; I wish you would also state that the verdict of man-slaughter in the third degree—that is, for death raussed by a deadly weapon in the heat of passion and without the intent to kill—was the only one asked by the prosecution, and admitted as just by Mr. Hall, if Rice was the man who struck the blow. From the syndence I cannot doubt that such was the fact, and slithough the young man has proved a previous good character, and is, no doubt, deeply serry for what he bas done, I cannot regard the punishment which is to be meted out to him as excessive, as the highest term for which he can be sent to State Prison is four years."

for which he can be sent to State Prison is four years."

AN RRA OF LAWLESSNESS.

It is certain that in this year of lawlessness, when men are shot down, mutilated, tarred and feathered, clubbed to death, cowinided, stabbed or garroted on the public highways, almost every day, it is high time to theck the use of deadly weapons like hatchets, be it even "in the heat of passion." On the other hand, he question may, perhaps, be raised whether a young ad, who has borne a good character, shall suffer a clon's doom for a crime to which he was temped by levotion to his employer, who had been attacked, and whom he might have believed to be in danger, and the awin consequences of which he did not intend. Rice is to be sentenced to-morrow (Friday), and the question of his just punishment onder the verdict of the jury may be safely left to the discretion of Justice Brady.

ROUGH ON THE REPORTER.

The residence of Nathan Marks, No. 140 East Fiftyeighth street, was entered on Tuesday night and about \$60 worth of jewelry taken away. Mr. Marks, hearing \$60 worth of jewelry taken away. Mr. Marks, hearing a noise, went into his parlor, where he saw two young men who had no right to be there. The burglars escaped, but Officer Meinhold started in hot pursuit and naught up with one of the parties on the rocks in Frity-seventh street near Third avenue. He was brought before Judge Smith at the Firty-seventh Street Court yesterday and gave his are as seventeen and hi name as Hugh McCarthy. While McCarthy's examination was in progress a person was recognized in the court as the other burglar. Officer Tooker proceeded to arrest him when the man, whose name is John Mcchan, struck him in the eye. McCarthy was held in \$2,500 bail and Mechan is to answer a charge of assault and battery. Quite a indicrous incident was the mistake that the complainant made in pointing out a reporter present as one of the burglars. BY ROPE AND POISON.

THE CORONER'S INQUEST IN THE NEWARK TRAGEDY - OSCHWALD PROBABLY POISONED AS WELL AS BYAN-INTERESTING EVIDENCE. At the Court House in Newark yesterday the inquest in the case of Thomas Ryan, condemned for the murder of policeman Brock with Charles Oschwald, was resumed. Mention has already been made in the Herald of papers found in the cell of the condemned, besides the letters to Warden Johnson and the parents of Ryan. One of these is a sheet of note paper which bears the following in Ryan's handwriting:—

"The men that were in my place (saloon) on Wednesday evening, August 2:—Slim, Billy McDevitt, Dave McClade.

"These are some of the men that was in my place after the picnic: Russel Van, John Farrell, Tommy Hennessy, Charles Peterson, Tommy Behon, Empty

"The men that were in my place after the picuic of the Nameless:-Billy McDevitt, Peter Van Doder (two names illegible).

"The men that stayed there after I went home: Billy McDevitt, Tommy Hennessy, John Campfield, John Farrell."

names illegible).

"The men that stayed there after I went home:—Billy McDevitt, Tommy Hennessy, John Campfield, John: Farrell."

August 2d was the night preceding the morning of the murder of Brock. Colonel Abell, the County Prosecutor, states that not one of the persons named on Ryan's list were among those he called to sustain his aibi. The Prosecutor regards the slip as an indication of kyan's effort to make up an alibi.

A part of the testimony yesterday tends to show that poison was also taken by Oschwald, but not in so large a quantity as Ryan. His physique was better able to resist the symptoms, also. The first witness called by Coroner Osborne was Dr. Houry Korneman, the jail physician. Dr. Korneman testified that he was called to the jail on Wednesday, at one o'clock, to see Ryan; was informed that Ryan had been it! since morning with vomiting, purging and occasional fits of fainting, and that Oschwald was similarly attacked, but in a milder degree; Ryan complained of nausea and 'pains all over;' his whole condition indicated approaching collapse; Ryan denied all knowledge of the cause of his illness; during the first interview he meaned and vomited; as lar as it was possible to examine the vomited matter the witness found nothing indicating the presence of poison; as there were no symptoms which might not have been caused by cholera morbus Ryan was treated accordingly; about four o'clock, Dr. Holden being present, the possibility of poison was rejected, and Dr. Holden and witness agreed that the symptoms were due to excessive nervous irritability; bromide of potassium and brandy were given and Ryan was allowed also to drink beer; at seven o'clock witness found his patient worse; at this time he remarked, "I guess I am poisoned," but when questioned he denied all knowledge of poisoning, directly or indirectly; champage and ice were administered for stimulation; with night received reports from him; tound him dead in the morning; witness expressed the opinion that Ryan deceived him as to his symptoms;

WHERE IS MRS. GILLIGAN?

Sheriff Reilly called last Monday night at the Seven-McCullagh. The captain was absent, but called at Mr. Reilly's house the next day. There the Sheriff solemnly informed him that one of his tenants, named Michael Boylan, living at No. 216 First avenue, was suspected of murdering his aged sister. The captain, horrifled at this intelligence, asked the grounds of this sus-picton. Boylan's sister, Mrs. Bridget Gilligan, lived, it appears, with her brother, who had several times beaten her. Some time last April she had mysteriously disappeared, and no one had ever found out

what had become of her.

Captain McCullagh accompanied by Sergeant Rooney and Sheriff Reilly went to the house in question and broke open the door of the old man's room. Near the Q. What were they looking on at? A. Looking at a fight between Hugh McCabe and Frank McCarron.
Q. Did you see any others lighting.
Q. Who was fighting with Frank McCarron? A. Hugh

Who was fighting with Frank McCarron? A. Hugh

Of the books were on the Bieecker Street Savings York. The total amount in all the books was about \$3,000, credited to Mrs. Bridget Gilligan. Sheriff Reilly's suspicions were most positively confirmed by the discovery of an old dress and shawl belonging to

\$3,000, credited to Mrs. Bridget Gilligan. Sheriff Reilly's suspicions were most positively confirmed by the discovery of an old dress and shawl belonging to the deceased woman.

Michael Boylan was not at home when his visitors called, but he was arrested on returning to his habitation. His brother, Thomas Boylan, made a charge of insanity against him, and he was locked up in the Seventeenth precinct station house. He was saked if he had any money about him, and replied that he had not. On being searched, however, the sum of \$99.20 was found stitched under the lining of his cost, vest and pants. Captain McCullagh asked him about his sister, but he denied all knowledge of her whereabout; He was brought before Justice Murray, in the Es-ex Market Police Court, yesterday morning. The testimony was to the offect that Michael, imagining that he had bought the house in which he lived, refused to pay any more rent for his room. It was then remembered for the first time that his sister, Mrs. Gilligan, had suddenly disappeared last April. Justice Murray decided to place the old man in the care of Mrs. Deita Woodruff, another married sister of his, residing at No. 15 St. Mark's place.

Not so Dangered to see the man who had excited such terrible suspicions. To his surprise instead of the tail, muscular, dangerous-eyed lunatic he expected to meet, he was greeted with a pleasant, childish smile by a decrepit, white-haired man about sixty-five years of age. He could scarcely walk, and appeared to be very weak. At the first word he spoke it was evident that the man was in his dotage. He spoke and reasoned about everything as a child would have done. There were no traces of dangerous insanity about him, but merely a weakness of intellect often apparent in persons of an extreme old age. When asked how long it had been since he saw his sister he replied crossing his arms on his breast, while an affecting smile played over his features:—"Oh! In or, I never killed anybody. I loved my sister, I wouldn't hurt a child. They all loved

COMING TO LIGHT.

ADDITIONAL ACCOUNTS OF THE DOINGS OF THE SUHRER FAMILY.

The watch and chain found in the abode of Mrs. Suhrer, at No. 16 Cannon street, among the counterfeit money and plunder discovered there was yesterday identified by Mrs. Holderman, of No. 64 Broome street. She came to the Fourteenth precinct station house, where the valuables were shown her, and in relation to them and their appearance in the Suhrer domicile she toid a story that adds another to the iniquities with which the family is already charged. It appears some time since Mrs. Holderman's lather, who was an aged, decrepit man, as weak in mind as he was feeble in body, was entiteed to the house of the Suhrers, who had been friends of his and was induced to take up his residence there. Ho was suddenly taken ill, however, and became bedridden and while in that condition he was advised to buy a deer skin which was to cost \$8. The old man had an account in the East River Bank and he drew a check upon the institution for \$8, which he gave to the Suhrers to make the purchase with. This check, it is presumed, they raised to \$800, for that sum was found by his daughter to have been withdrawn from the bank. Before long the invalid died and on Mrs. Holderman's applying for her father's clothes and valuables she was denied them. She alleges also that a will of his had been tampered with. to them and their appearance in the Subrer domicile

JOE COBURN.

THE TRIAL SET DOWN FOR TUESDAY NEXT-NO INDECENT HASTE IN THE PROSECUTION.

At ten o'clock yesterday morning Centre street, from the Tombs to the corner of Chambers street, pre-sented an unusual appearance. The casual observer could not fail to see that something of great interest was about to occur, for on the corner of the street named crowds of idle men, women and children had congregated and blocked the way?
They were sight-seers, and all anxious to get a glimbse of the pugilist, Coburn, who was shortly expected to arrive in court via Centre street. The patience of the crowd was fully rewarded for at about half-past ten the object of their curiosity passed from the Tombs, down Centre street to the brought up the back way and led to the prisoner's box at the back of the court room. Shortly after his arrival Judge Sutherland, accompanied by ex Governor Hoffman, entered court and the two occupied the

After the remanding of several other cases set upon the calendar to be tried, Assistant District Attorney After the remanding of several other cases set upon the calendar to be tried, Assistant District Attorney Rollins said, "Your Honor, I now move the case of Joseph Coburn."

Mr. Chipman, sonior counsel for Coburn, then addressed the Court. He said his colleague, Mr. Brooke, was engaged in the Supreme Court on some important business and would not be able to appear in court for a short time, and he therefore invoked the patience of the Court until Mr. Brooke arrived, as he was to make a formal motion for adjournment. Mr. Curtis, of Coburn's counsel, said Mr. O'Neil was also absent, and, as he had been assigned the important duty of arguing the motion for adjournment, counsel thought it would be well to delay for a time the opening of the case. Assistant District Attorney Rollins thought there was no necessity for formality in making the motion for adjournment, and hoped that Mr. Curtis would proceed and make the motion. Mr. Curtis said if His Honor so directed he would go on, but would profer to wait the arrival of his associates. The Court thought it as well to begin the case at once, and thereupon Mr. Curtis said he would finish reading two affidavits he held in his hand. Mr. Curtis then read an affidavit in which he had subscribed himself, setting forth that in company with one Boss, he had spent the hours from six to twelve on Tucsday night in searching for and endeavoring to serve with summons witnesses for the defence. Some of them had been reached, while others, whose testimony was maierial to the prisoner's defence, could not be found. The unsettled condition of the prisoner's mind and body were also dwell upon in the affidavit, and mention was made of his inability to intelligently confer with his counsel. After reading this deposition Mr. Curtis said that on account of the great excitement occasioned by the case it would be but just to allow the prisoner more time before asking him to plead.

Mr. Chipman then read an affidavit of one Timothy Donohue, in which denoned that hat had vanily

plead.

Mr. Chipman then read an affidavit of one Timothy Donohue, in which deponent stated that he had varily endeavored to serve six witnesses for the defence with subprenaes. These witnesses, Mr. Chipman explained, were eye-witnesses to the affray, and without them it would be daugerous and impositic for the defence to go to trial.

were eye-witnesses to the affray, and without them it would be dangerous and impolitic for the defence to go to trial.

PUBLIC EXCITEMENT OVER THE TRIAL.

Mr. Rolinss addressed the Court in favor of immediately proceeding to trial with the case. He said that the street in the vicinity of the court and jail was crowded with disordorly persons brought together to see the defendant. These gatherings, the Assistant District Attorney claimed, were an unhealthy indication of public excitement, and the longer the case was held in suspense the greater would the excitement become. Then delays were dangerous for another and an important reason. Every day the papers have something to say about the case; the police and the delendant are criticised in turn, and these criticisms make it more difficult to obtain an impartial jury. Almost every man in New York has by this time read and formed an opinion on the case, and each day's delay in the case makes these opinions more permanent. In conclusion, Mr. Rollins said he would like to correct an impression that seems to have obtained in the public mind that the District Attorney's office was anxious to indecently hurry the case of Coburn. For this reason he stated to the Court that during the present session fifty-six cases were tried the day after indictments were found, and that all the rest were tried on the third or fifth day thereafter. In view of the statements submitted by counsel for the prisoner Mr. Rollins said he would consent to an adjournment of the case until Monday next provided his atversaries would promise not to seek for further adjournment on that day and cease procuring writs of habeas corpus.

Mr. Spencer, of Coburn's counsel, moved that the case be postponed until the first Monday in March, as the did not think the prisoner would be in a fit condition to yo to trial before that day.

The Judge set the case down for Monday next, but by agreement of counsel the day was changed to Tuesday, and an extra jury panel was directed by the Court.

AFTER THE BALL

The colored ladies and gentlemen of the Eighth and Fifteenth wards had a soiree dansante at No. 71 Fourth street on Tuesday evening. There was a large attendance, and Sullivan and Thompson streets were well represented. Everything went off pleasantly till about three o'clock yesterday morning, when a disabout three o'clock yesterday morning, when a dispute arose between William A. Johnson and James
Jackson, of No. 148 Thompson street, and
Charles Williams, of Fordham. It was concerning
a lady whom Messrs, Jackson and Williams claimed
for the same dance. The dispute went so far that it
was proposed, out of respect to the company and a desire for more clow room, to adjourn to the sidewalk.
They did so and on arriving there Williams puiled out
a pistol and fired four shots at Jackson, none of which

took effect on him, but one of the bullets struck John Gibbon, another colored man who was coming down the street at the time. Officer Gilgar, of the Frifeenth precinct, heard the report of the pistol, ran to the spot and succeeded in arresting all three.

They were brought before Judge Otterbourg at Washington Place Court yesterday. Wilhams was held in \$2,000 bail to answer and Jackson and Johnson were sent to the House of Detention. James Jackson, alias "Nigger Jackson," is the negro who, on the 20th of May, 1873, after killing his white mistress, Mary Jane Sullivan, was found in Thompson street attempting to cut his throat with a razor. He was arrested at the time by Captain McDonnell and served two years and a half in Sing Sing for his crime. Gibbon, the man who was shot, is now lying in Bellevue in a dangerous condition.

SERVED HIM RIGHT.

Almira Criqui, of No. 19 Norfolk street, a poor sewng woman, appeared before Judge Murray, at the Essex Market Court, yesterday, and complained that a man named Philip Bopp, in whose house she had ing machine, worth \$25, for a little money she owed his wife. The Judge granted her a summons, and Philip made his appearance in the alternoon, He was a small man, with stooping shoulders and a furtive, hangdog look. He had very little to say when questioned by the Judge, but admitted taking the machine and persisted in demanding \$9 from Mrs. Criqui. Mrs. Criqui, who seemed to be a hard working woman, said she had lived in Bopp's house for some time, and had always paid her board until a few weeks ago, when she lost her work. On the last of this month, while she was out, Bopp went up to her room, opened the door and took the top of the sewing machine away. Subsequently he turned her out and kept the whole machine. Since then she obtained employment, but the sewing machine is necessary to take with her in the shop where she is going to work. She called on Bopp for the machine, offering part payment of the money she owed him, and he harsnly told her that he had pawned it. Judge Murray, on hearing the woman's story, directed his clerk to take a complaint of larceny against Bopp, and held him in \$500 ball to answer. ing machine, worth \$25, for a little money she owed

MRS. HUFF'S HAIR.

About the 31st of January there was a patient in Bellevue Hospital of the name of Johanna Huff. During her stay in the hospital she was attended by Mrs Mina Keuzlin, of No. 118 Sheriff street, who was a Mina Keuzila, of No. 118 Sheriff street, who was a nurse in the place at the time. Johanna died, and Mrs. Keuzin left. Of late the latter had heard that it was reported she had cut off Mrs. Huf's hair and sold it. This accusation she denied, but it was injuring her business, so she visited the hospital to relute the false charge. When she arrived there she was locked in a room by the Superintendent, who had her arraigned yesterday before Judge Smith at the Fifty-seventh Street Court. She is held for trial. Mrs. Keuzin is respectable in appearance and seems to be wholly innocent of the charge. She does not deny cutting off the patient's barr, but says that it was necessary in order to relieve the sick woman of the tangled mass of nair on her head. This plan of cutting off the hair in such cases, Mrs. Keuzin says, is of frequent occurrence.

STREET CAR POLITENESS

A MARRIED LADY'S LAMENT.

TO THE EDITOR OF THE BERALD :-I noticed in your paper this morning an article in which "A Young Lady" says a good word for the gen-tlemen on "Street Car Politeness." Allow me to con-tradict that young lady. If a lady has the appearance tradict that young lady. If a lady has the appearance of expecting a soat in the car when she enters she invariably gets it, but if she behaves in a ladylike manner, unless she be young, preity or well dressed, she is left to stand. I have had many a seat given up to me, but it has always been when I have been dressed my best and looked my prettiest, and generally accompanied with "please take my seat, miss?", while if I look tired, a little old or at all like a married lady, as I am, I am left to stand. I know my experience can be indersed by most of my friends. Now, while I do not advocate gentlemen giving up their places to ladies as a rule, I still say let them select the tred ladies when they wish to show their galiantry and not the bold ones or well dressed. As to being at home, by the time business men come up town, they cannot always manage that any more than business to be down town at all.

A YOUNG MARRIED LADY. MAGGIE BAUER.

TRIAL OF FRANCIS M'CONNOCHIE FOR THE MUR-DER OF THE GIRL-CASE FOR THE PROSE-CUTION CLOSED.

The Court convened promptly at ten o'clock yesterday morning, and the trial of Francis McConnochie or the murder of Maggie Bauer proceeded. As in the previous days of the trial, the court room was crowded with attentive listeners. The prisoner's father and mother were in attendance, and much sympathy was expressed for the aged couple. Mr. McConnochie sat by his son the entire day and listened attentively to

George Bauer sworn, testified:—I reside at Foster's Meadow; I am the father of Maggie Bauer; I identify the bonnet now shown me as the one worn by Maggie; the bonnet now shown me as the one worn by Maggie; I know Stephen Payn; have seen the prisoner; saw him on the 24th of October at Jamaica; he got in my wagon; Mr. Payn was with me; when we got to Queens McConnochie told me that he laid on the stoop of Rowland's store all night; from Rowland's we went to the old tobacco factory, about one mile from Queens; Mr. Payn asked the prisoner it he stopped in that neighborhood; the prisoner replied that he stopped at Mr. Ross' and got something to cat; we then drove to Springfield; prisoner said that he went to Decker's store, from there to a blacksmith's. and from there east from Decker's store; stopped at Mr. Baker's; the defendant asked for something to cat at Mr. Baker's; as soon as Mrs. Baker saw the defendant and the recognized him; we then went to Rockel's store, and from there to my house, about one mile from Rockel's store, and from there to my house, about one mile from Rockel's store; at Springfield the defendant said that he bad seen a man near the toligate, but did not tell the time; on reaching home I put my horse in the stable and took my dinner; after dinner went to the road where the child was iound; John BeMott, Hendrickson and Cornelius Lawrence accompanied us. Cross-examined—I am a German by birth; have been in this country since 1840; I arrived at home on the day of Maggie's death about three o'clock; first became acquainted with Detective Pays when the inquest was held at Valley Stream. The witness was cross-examined at some length by Mr. Busted:—On the day that Payn and the prisoner rode with me, on my reaching home they both dame into the house with me; I really believed at that time that the prisoner had murdered my child; McConnochie said that he was hungry; my wife cut some bread and Payn handed it to him; my wife, mother and inther were present when McConnichie was at my house; do not know whe sent for Hendrickson or Lawrence; Pays, McConnochie and myself went over to the woods; Hendrickson and Lawrence went with us; Pays, I suppose, at that time was a deputy sheriff; ne carried a rope haiter in the wagon when we went to the woods; my wife was present when McConnichie was brought into the house; he asked for a drink of water; my wife said, "Do you think I should give you, the murderer of my child, a drink? Yes, I will," and she gave him a drink; I never talked with the prisoner after the day that he was at my house; cannot tell how often Payn has been at my house; have never to my knowledge stated to any person what I have tostined to on the stand today; have never seen Micnael Collins but once; I was not at home.

Charles W. Sprague, and from there east from Decker's store; stopped at Mr. Baker's; the defendant asked for something to cat

prisoner in charge of the keeper of the Town Hall in the village of Jamaica, and we talked about it (the murder) before meeting Mr. Bauer at Jamaica; after I left him at Edwards, I talked to him about going to show me where he went and remained on the Saturday night; told prisoner to direct Mr. Bauer where to drive to the piaces at which he stopped; prisoner directed witness to Mrs. Baker's; Mrs. Baker recognized McConnochie, and stated that when he called at her house he appeared confused and that his tace was scratched. Witness gave a detailed account of the places visited as narrated by Mr. Bauer; upon reaching Mr. Bauer's, Mrs. Bauer came out to the wagon and I told her that the prisoner was the man who had killed her little girl; on the way I told the prisoner to tell the truth; as we passed the corn-field the prisoner trembled and was apparently agitated; after going into the house I said to him, "Come, Frank, tell us all about it," he replied, "cive me time to think;" I asked him who was with the little girl when he met her first. He replied that there was a woman with her. The rest of the witness' testimony was confined to the statements made by the prisoner while in the house and already published as the prisoner's confession. I suggested that the prisoner should go with Messrs. Hendrickson and Lawrence to the woods and tell them all he knew about it; I accompanied them, as did Mrs. Bauer and others; prisoner, while in the woods, showed how he broke down the limbs of the vice, so that he could find the place after night fail; he did not go back, saying that he was afraid to go. The witness was cross-examined at great length by Judge Busteed, and gave a detailed account of his life from boyhood to the present time, together with the arrest and convicted; never cautioned McConnochie that what he said to me would be used against him. Case closed for the prosecution.

The defence was opened by Theodore Armstrong. At the conclusion of Mr. Armstrong's address the court adjourned until ten c'clock this mornin

CENTRAL RAILROAD OF NEW JERSEY.

Mr. Francis S. Lathrop, recently appointed by Judge Donohue, in the suit of the Lehigh Coal and Navigation Company against the Central Railroad of New Jersey, receiver of the property of the railroad company in this State, filed yesterday his bond in the County Clerk's office. The bond is for \$50,000, and the sureces are William Waiter Phelps and A. V. Stout. In the suit of John and Robert J. Grey against the railroad company, by consent of counsel, the lis-pendens recently alled against the real estate of the railroad company in this State was yesterday can-celled, and the County Clerk directed to remove the same from file. Navigation Company against the Central Railroad of

TEARING UP STREETS.

A resolution requesting the police to prevent any person or persons from tearing up any street without a permit from the Brockiyn Board of City Works was adopted yesterday by that Board, in anticipation of any movement on the part of the Queens County Rail-road Con.pany to lay tracks on Lafayette avenue.

BROOKLYN'S FILTHY STREETS.

The Brooklyn Police Commissioners have been requested by the Board of City Works, through its President, General Slocum, to aid the Board of City Works dent, General Slocum, to aid the Board of City Works in seeing that the contracts for street cleaning are properly carried out. The Police Commissioners have consented to do so, and, as the street inspectors are to be made directly responsible to the Board of City Works for the proper carrying out of all contracts, it is probable that Brooklyn's streets will present a more cleanly appearance for some time. The streets of that city are in a fifthy condition at present, and complaints are heard on all sides.

WELL OUT OF THE WAY.

A rabid Spitz dog appeared in Eighty-ninth street,

A rabid Spitz dog appeared in Eighty-high street, near Third avenue, yesterday afternoon, much to the consternation of the denizens of the neighborhood. Officer Levy, however, succeeded in shooting the animal before any harm was done.

Another Spitz, belonging to Miss Shea, No. 445 Henderson street, Jersey City, bit a little boy named Tommy Smith, yesterday afternoon. The mother of the boy called at the Second precinct station house and procured the assistance of officer Kessler, who shot the animal.

A DEMOCRATIC WARFARE.

EX-ASSEMBLYMAN COFFEY'S ACCOUNT OF THE TWELFTH WARD TROUBLE-A COMMITTEE OF DOCILE OFFICE-ROLDERS.

There was a "misunderstanding" at the last meet ing of the Kings County Democratic General Commit-tee, which ended in what will doubtless prove a insting rupture so far as the democrats of the Twelth ward are concerned. And more's the pity, viewing the subject from a democratic standpoint, for the Tweifth is said to be the banner democratic ward of Brooklyn Its people are dissatisfied, showever, and one of their leaders says they have good cause to be.

The committee is composed of ten members from each ward and county town, making a body of about 300 members in all. About two-thirds of this num-ber hold offices. At the recent reorganization protests were presented against the ad mission of the delegates claiming to represent the Fitth, Eleventh, Twelfth and Thirteenth wards. To inquire into the nature of those protests a speci committee of five was appointed with instructions to take testimony bearing on the question of the conduct of the primaries. In the Fifth district the contestants were Alderman Shannon and ex-Alderman Clancy, and the charges were proved. It was the same in the Eleventh ward. In the Twelfth ward the

cestants were Alderman Shannon and ex-Alderman Clancy, and the charges were proved. It was the same in the Eleventh ward. In the Twelith ward the protesting party charged that the delegates seeking admission, and at whose head was Mr. Michael Coffey, ex-member of Assembly, had obtained their places by repeating and ballot box stuffing. Yesterday at Heratio representative had a talk with Mr. Coffey about the case, and from his version of the matter it would appear that "Boss" McLaughlin selects his own committee regardless of the wishes of the people. Mr. Coffey says that even the witnesses of the protesting party in his ward proved that the election was fair and that any effort at irregularity which they noticed was chargeable alone to the protestors. They testified before the sub-committee that the primary was properly conducted. The returns were signed by all of the five supervisors of the ward, and everything was in strict accordance with justice and the rules of the organization. In the face of this testimony he says the committee concluded to reject the returns, and at Tuesday night's meeting so reported to the General Committee.

REASONS FOR THEM ACTION.

When asked the reason for their rendering such a peculiar decision Mr. Coffey said their decision was mainly chargeable to Alderman Donovan's action. The Alderman represents the Twelfth ward, and his course has prevented the election of a democratic President for the Board of Alderman Donovan's action. The Alderman the represents the Twelfth ward, and his course has prevented the election of a democratic President for the Board of Alderman Donovan's acting wholly on his own account and maintains his position from principle, insisting upon certain concessions by the party leaders to democratic custem before giving them his vote. The real cause of this adverse decision, Mr. Coffey says. Mr. Boss' McLaughlin's personal opposition to him (Coffey)—an opposition which had its originate for the convention was free with twen Fire Commissioner McLaughlin was Alde

NEW YORK'S INDEBTEDNESS.

Another ponderous document has been transmitted by Comptroller Kelly to the Legislature in answer to a resolution of the Assembly passed on the 22d ult.

	Valuation of Real and Per- sonal Estate.	Rate of Tax on \$100.	Amount of Taxes.	Total Am't of Appro- priations.
1873 1874 1875 1876 1877	\$1,129,139,623 1,154,029,176 1,100,943,699 1,111,004,343 Not yet fixed.		\$28,228,490 32,312,876 32,367,744 31,109,521 Not yet fixed.	36,171,472

hibited from incurring any expenses beyond the amounts appropriated therefor, the law ought imperatively to require that on the books of the Finance Department each account should at a fixed date (say June 30), be closed each year. After setting an amount to pay claims upon the appropriation which may have been filed the balance should lapse into the tro-sury. The Commissioners direct particular attention to a payment of \$4,600 on January 27, 1876, to counsel for the plaintiff in the action of quo searranto in the cases of Stemmier against Maguire, involving title to the Civil Justiceship of the Seventh district. The report condemns the practice of paying from the city treasury the bills of successful hitgants, as in this instance, and recommends the repeal of section 112 of the charter authorizing such payments. Allusion is also made to the sinking found, which has a surplus of \$9,281,545 03 of accumulations, against which no claim exists except the \$2,748,000 of the floating debt fund bonds, so that this peculiar anomaly will be continued of raising by tax each year an amount sufficient to pay the bonded debt as it falls due, while there is accumulating in the hands of the Sinking Fund Commissioners an amount every year sufficient to meet this debt, but which cannot be applied to the purposes nor to any other purpose so long as the present laws remain in force.

The report then goes on to says:—"These laws should be amended at once, making all the present laws remain in force.

The report then goes on to says:—"These laws should be amended at once, making all the present from that fund to pay all the bonds and stocks at present a charge thereon; and by continuing the payment to the fund of the present revenues the accumulations will be sufficient to meet all the bonds and stocks at present of the facts. For this \$1,000,000 to the sinking fund. The power to sate says the subject of assessments one of successes ments oned on the present is a favorable opportunity, owing to the low rate of interest, for converti

MUNICIPAL NOTES.

Alderman Cole yesterday attempted to secure the passage of a resolution of censure against the work of erecting large brick piers in the new Court House which, he claimed, are an obstruction to free passage through the bu lding. The resolution was tabled. The Park Commissioners have been directed to place

The Park Commissioners have been directed to place chains on each side of the carriage ways of the Third avenue bridge while open, so as to protect pedestrians in the vicinity.

The Aldermen have requested the Commissioner of Public Works to renumber Broadway, north of Twenty-third street, and Fifth avenue, north of Fifty-seventh street. This action is taken in consequence of complaints made by the Post Office that letters have miscarried in this vicinity by the incorrect numbering of streets.

carried in this vicinity by the incorrect numbering of streets.

The Corporation Counsel has been requested by the Common Council to give an opinion as to whether or not the decision of the Court of Appeals declaring that the Commissioner of Public Works has exclusive control of the matter of sewerage in this city applies to the annexed territory.

Mayor's Marshal Kelly yesterday revoked the inconse of Thomas Harriman, owner of cab No. 811. This was the vehicle which stood outside of "Joe" Coburn's saloon when the disturbance took place for which the redoubtable prize fighter is now under indictment.

ROBBING A CHURCH.

William Schmidt, a German, thirty-seven years of lyn, with a roll of carpet on his shoulder, was stopped by an officer, who subsequently learned that the carpet had been stolen from the Catholic church St. Francis de Sales, Broadway, near Hull street. Schmidt was held for triat. age, yesterday while waiking along Broadway, Brook-

BOARD OF EDUCATION.

The Board of Education met yesterday afternoon and transacted the following buildess: -Superintend-ent of Trunney Mr. A. M. Stanton gave the following report .- Number of cases investigated for the month of January, 936; number of truants, 352; number returned to school, 352; number of children put in school, 38; number of children sent to reform school, 13. A letter from Senator Gerard was read in answer to resolutions torwarded to him from the Board of Ed ucation recently, protesting against the passage of a bill introduced by him in the Senate, looking to the appointment of an assistant super-intendent for sauitary purposes. Senator Gerard and to hear the objections to as well as the reasons for proposed measures. He added that he would have een much more benefited to receive from the Board or its members the reasons of their opposition rather than a semple protest. "There is," he concluded, "a general public demand for such an official for the protection of life and health, which is quite as important as esucation. Many of the schools as they now are are breeders of pestilence. The action of the district inspectors in health matters never amounts to anything. They have no power, and their annual reports

reasons for opposing his plan to appoint an assistant superintendent for sanitary purposes.

A paper from Mr. G. C. Quezada was offered, looking to the introduction of a new and improved system of ventilating and cooling rooms in the summer, and also applicable as a simple ventilator in the winter. The system claimed superiority over others of a similar kind, on the ground that it not only heated rooms

system claimed superiority over others of a similar kind, on the ground that it not only heated rooms during the cold season, but also cooled and ventilated during the hot season.

The Committee on Normal College submitted a report stating that there was a vacancy in the principalship of the training department of the Normal College, caused by the death of Mass Martha L. Doake. The committee recommended that Miss Isabelle Parsels, at present tutor in the Normal College, be appointed first assistant tutor in the training department at a salary of \$1.800, to perform such duties in said department as may be assigned her by the President of the Normal College. The recommendations were accepted after some debate, and Miss Parsels was accordingly appointed. A resolution was adopted requesting the School Boards of Trustees to organize on the second Monday of January of each year.

The following \$610,250 of the moneys appropriated by the Board of Estimate and Apportionment for the year 1877 were appropriated as follows: —For salaries of teachers in ward schools, \$200,000; calaries of janitors in ward schools, \$200,000; calaries of formal College and schools, \$7,800; salaries of colored schools (day and evening), \$3,500; salaries of colored schools (day and evening), \$3,500; salaries of evening schools, \$20,000; m. king a total of \$248,000. Books, maps and other supplies through the depository, \$115,000; pass for all schools and half of Board, \$14,500; rents of school premises, \$38,000; lor workshop wages, &c., \$1,500; incidental expenses in ward schools, \$900; incidental expenses of evening schools, \$1,750; incidental expenses of evening schools, \$1,750; incidental expenses of school wages, &c., \$1,500; incidental expenses of hoard of Education, printing, advertising, &c., \$18,200; compulsory education, wages, &c., \$1,00; incidental expenses in ward schools by trustees, \$55,700; incidental expenses of colored schools, \$900; incidental expenses of evening schools, \$1,750; incidental expenses of board of Education and fo

Another ponderous document has been transmitted him to the study propertiations to be made therefrom by this loard into the state Prison if they would not hang him. Witness was examined at some length as to his creditive from the propertial interest of the property of the state of the second of the confessions in the property of the confessions with him, that anything their property of the confessions and by the prisoner the confessions were not voluntary, our wrung from the prisoner; that the prosecution had not called Pays as a witness, giving to the defence an opportunity to cross-examine him. In connection with the motion counted submitted several authorities to the document of the court decided that the matter of introducing evidence for the prisoner follows the prisoner

of the Mayor or other heads of dejartments, but they were in a different category from the teachers in New York when the highest salary of female teachers was \$2,000 and the highest for maie teachers \$3,000. He did not approve sweeping away the bylaws and leaving the teachers to be unprotected or to be dealt with as this Board of Apportionment approved.

Commissioner Watson denied layoring reduction of salaries, but he did not think President Wood was wise in urging the teachers to assume a position in the matter of reduction of salary that would not place them favorably with the public. He wished to add that he doubted the taste of rising there and criticising the committees on other boards who were presumably performing their duties as the Board of Education were theirs. When the time came he would have a voice in the matter of reduction of salary, and would speak plainly, without the slightest influence from any quarter. The resolution offered by Commissioner Beardsiee, that the bylaws of the Board be suspended so as to permit any amendment, suspension or repeal thereof, or any part thereof at any meeting or meetings of the Board held in pursuance of an adjournment of this meeting was carried.

Commissioner Hazeltine then moved that the Board of Education reassemble on Monday afternoon.

OUR COMPLAINT BOOK.

THEATRES TOO RIGH PRICED. TO THE EDITOR OF THE HERALD :-

Will you please allow me a few bines space in your valuable paper to protest against the high prices charged by the majority of theatres. In better times I was a constant theatre goer, but of late I am compelled to deny myself the luxury, as is the case with great many. On account of the reduction of salaries we are compelled to curtail our expenses of luxuries we are compelled to curtail our expenses of luxures as well as necessities. The managers attribute the poor attendance to lear of fires and accidents, but it is not so; it is the exerbitant prices that prevent the theatres from being crowded every night. If prices of theatre tickets were reduced in proportion to the reduction of salaries I would go three times where I only go once. Make the price of orchestra scals \$1, general admission fifty cents, and family circle twenty-five cents, and they will soon see how much netter the attendance will be. The managers will make more money in the end. Respectfully, G. W. B.

WATER BATES INFLATED. TO THE EDITOR OF THE HERALD :-

I was absent in Europe from April to December of last year, and on my return called at the Croton Water Bureau to pay my water rates. In addition to the usual assessment I was compelled to pay fifteen per cest "penalty," as it was called. In explanation the cierk referred me to a printed notice reading as fol-lows:— Water rates are payable annually in advance on the 1st day of May. On the 1st of August following five per cent will be added on all unpaid rates, and on the 1st of November after an additional ten per cent. See act April 11, 1849. It strikes me that the word "penaity" is another way of saying "interest," and I should like to know if the law recently passed reducing the interest on unpaid taxes does not cover the water tax. The author of the bill would do well to give this matter his attention.

TAXPAYER.

THE STREET CLEANING BUREAU. TO THE EDITOR OF THE HERALD:-

In yesterday's edition of the HERALD I saw a complaint from an ashcart man for not receiving pay for cleaning Broadway of the January snow, and inquires if the Commissioners have saved the money to be spent on legislation in Albany. The ashcart men of the Iwenty-second ward have only received part payment for work done in the month of December, ten days' wages having been deducted from each one's salary, or \$35, on pretence of want of funds. Don't you, sir, think it would be unwise to take the street cleaning from the Police Department when they are able to satisfy the public with the performance of so little work, and that little not paid for? Yours, &c., A DIRICART MAN'S WIFE.

New York, Feb. 21, 1877. spent on legislation in Albany. The ashcart men of

SMALLPOX AND DIPHTHERIA.

The Board of Health of Hudson county, New Jersey, report that during the mouth of January there were 18 deaths from smallpox and 25 from diphtheria, out of a total of 229. The number of deaths during the month in Jersey City was 230; in Hoboken, 43; other districts of the county, 50.